

# DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ASSAY FOR YKL-40 AS A MARKER FOR DEGRADATION OF MAMMALIAN CONNECTIVE TISSUE, the specification of which

☐ is attached hereto.

☒ was filed on January 9, 1996 as Application Serial No. 08/581,527.

☒ was described and claimed in PCT International Application No. PCT/US94/07754 filed on 08 July 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED
_____	_____	_____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. SERIAL NO.	FILING DATE	STATUS
<u>08/089,989</u>	<u>09 July 1993</u>	<input type="checkbox"/> Pending <input type="checkbox"/> Issued <input checked="" type="checkbox"/> Abandoned
<u>PCT/US94/07754</u>	<u>08 July 1994</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned

Address all telephone calls to Stacy L. Howells at telephone number 619/678-5070.

Address all correspondence to Stacy L. Howells, Fish & Richardson P.C., 4225 Executive Square, Suite 1400, La Jolla, CA 92037.

09215077 121898

# DECLARATION CONTINUED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Paul A. Price

Inventor's Signature: Paul A. Price Date: 4/10/96

Residence Address: La Jolla, California

Citizen of: U.S.

Post Office Address: 8695 Cliffridge Avenue, La Jolla, CA 92093

Full Name of Inventor: Julia S. Johansen

Inventor's Signature: Julia S. Johansen Date: April 12, 1996

Residence Address: Copenhagen, Denmark

Citizen of: Denmark

Post Office Address: C.F. Ricksvei 101B 2TH ~~99A~~ FFU, DK-2000, Copenhagen F, Denmark

0921507-121898

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
)  
Inventors: PAUL A. PRICE AND JULIA S. )  
JOHANSEN )  
)  
Filed: January 9, 1996 )  
)  
Serial No.: 08/581,527 )  
)  
Invention: ASSAY FOR YKL-40 AS A MARKER )  
FOR DEGRADATION OF MAMMALIAN )  
CONNECTIVE TISSUE MATRICES )  
\_\_\_\_\_)

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER RULE 32**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints:

William E. Booth, Reg. No. 28,933; Karl Bozicevic, Reg. No. 28,807; Barry E. Bretschneider, Reg. No. 28,055; Paul T. Clark, Reg. No. 30,162; Peter J. Devlin, Reg. No. 31,753; Willis M. Ertman, Reg. No. 18,658; David L. Feigenbaum, Reg. No. 30,378; Janis K. Fraser, Reg. No., 34,819; John W. Freeman, Reg. No. 29,066; Timothy A. French, Reg. No. 30,175; Alan H. Gordon, Reg. No. 26,168; Lisa A. Haile, Reg. No. 38,347; Scott C. Harris, Reg. No. 32,030; Mark J. Hebert, Reg. No., 31,766; Gilbert H. Hennessey, Reg. No. 25,759; Charles Hieken, Reg. No. 18,411; Robert E. Hillman, Reg. No. 22,837; Stacy L. Howells, Reg. No. 34,842; John Land, Reg. No. 29,554; June M. Learn, Reg. No. 31,238; G. Roger Lee, Reg. No. 28,963; Steven E. Lipman, Reg. No. 30,011; Gregory A. Madera, Reg. No. 28,878; Ralph A. Mittelberger, Reg. No. 33,195; Ronald E. Myrick, Reg. No. 26,315; Robert C. Nabinger, Reg. No., 33,431; Frank P. Porcelli, Reg. No. 27,374; Eric L. Prael, Reg. No. 32,590; Alan D. Rosenthal, Reg. No. 27,833; Richard M. Sharkansky, Reg. No. 25,800; John M. Skenyon, Reg. No. 27,468; Michael O. Sutton, Reg. No. 26,675; Rene D. Tegmeyer, Reg. No. 33,567; Hans R. Troesch, Reg. No. 36,950; John N. Williams, Reg. No. 18,948; Gary A. Walpert, Reg. No. 26,098; John R. Wetherell, Jr., Reg. No. 31,678; Dorothy P. Whelan, Reg. No., 33,814; and Charles C. Winchester, Reg. No. 21,040.

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all of the firm of Fish & Richardson P.C., as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be the exclusion of the inventors and their attorney(s) in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

Please direct all telephone calls to Stacy L. Howells, at 619-678-5070 and all correspondence relative to said application to the following address:

FISH & RICHARDSON, P.C.  
4225 Executive Square, Suite 1400  
La Jolla, California 92037

ASSIGNEE: THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

Signature: Linda S. Stevenson

Typed Name: Linda S. Stevenson  
Title: Principal Prosecution Analyst  
Address: 300 Lakeside Drive, 22nd Floor  
Oakland, California 94612-3550

Date: 4/12/96

09215077-121398

Applicant or Patentee: Paul A. Price, et al.  
 Serial or Patent No.: 08/581,527  
 Filed or Issued: January 9, 1996  
 For:

ASSAY FOR YKL-40 AS A MARKER FOR DEGRADATION OF MAMMALIAN CONNECTIVE TISSUE MATRICES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Regents of the University of California  
 Address of Organization: 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612-3550  
 Type of Organization:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF  
 LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF  
 AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled by inventor(s) Paul A. Price and Julia S. Johansen described in

- ☐ the specification filed herewith.  
☒ application serial no. 08/581,527, filed January 9, 1996.  
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: NovaDx, Inc.

Address: 11526 Sorrento Valley Road #F, San Diego, CA 92121

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Linda S. Stevenson

Title: Principal Prosecution Analyst, Office of Technology Transfer

Address: 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612-3550

Signature: Linda S. Stevenson Date: 4/12/96



07341/011001  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OCTOBER 22, 1996

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FISH & RICHARDSON P.C.  
ATTN: STACY L. TAYLOR  
4225 EXECUTIVE SQUARE, SUITE 1400  
LA JOLLA, CA 92037

FISH & RICHARDSON, P.C.  
LA JOLLA, CA

10540 U.S. PTO  
09/21/97  
12/16/98

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/17/1996

REEL/FRAME: 8075/0948  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
PRICE, PAUL A.

DOC DATE: 04/10/1996

ASSIGNOR:  
JOHANSEN, JULIA S.

DOC DATE: 04/12/1996

ASSIGNEE:  
REGENTS OF THE UNIVERSITY OF CALIFORNIA, THE  
300 LAKESIDE DRIVE  
22ND FLOOR  
OAKLAND, CALIFORNIA 94612-3550

SERIAL NUMBER: 08581527  
PATENT NUMBER:

FILING DATE: 04/17/1996  
ISSUE DATE:

REGINA COATES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

* No Docketing Required *
Reviewed By Practice Systems
Initials: <u>Bhates</u>
Reviewed By Billing Secretary
Initials: _____

08-15-1996

Attorney Docket No.

SHEET

581 \$ 72

92.1.24 PCT/PTO 17 AP



Commissioner of Patents and Trademarks

100252497

original document.

1. Name of conveying party(ies):  
Paul A. Price and Julia S. Johansen

Additional name(s) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):  
The Regents of the University of California  
300 Lakeside Drive, 22nd Floor  
Oakland, CA 94612-3550

Additional names/addresses attached? ☐ Yes ☒ No

3. Nature of conveyance:  
☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other:

Execution Date: 4/10/96 and 4/12/96

4. Application number(s) or patent number(s):  
If this document is being filed with a new application, the execution date of the application is:  
A. Patent Application No.(s): 08/581,527  
B. Patent No.(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name/address of party to whom correspondence concerning document should be mailed:

Stacy L. Taylor  
Fish & Richardson P.C.  
4225 Executive Square, Suite 1400  
La Jolla, CA 92037

6. Total number of applications/patents involved:

7. Total fee (37 CFR 3.41): \$40  
☒ Enclosed  
☐ Authorized to charge deposit account

8. Deposit account number: 06-1050  
If the fee above is being charged to deposit account, a duplicate copy of this cover sheet attached. Please apply any additional charges or credits, to our Deposit Account No. 06-

DO NOT USE THIS SPACE

9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.

Lisa A. Haile

Name of Person Signing

Lisa A. Haile

Signature

4/17/96

Date

Total number of pages including cover sheet, attachments, and document: 2

"EXPRESS MAIL" Mailing Label Number EM506931873U

Date of Deposit 4/17/96

I hereby certify, under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

STEFANIE GREENAMYER

Stefanie Greenamy

ASSIGNMENTU.C. Case No. 92-206-3

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Paul A. Price2. Julia S. Johansen

3. \_\_\_\_\_

4. \_\_\_\_\_

hereby sells, assigns, and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located at 300 Lakeside Drive, 22nd Fl., Oakland, CA 94612-3550, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements in the invention entitled:

ASSAY FOR YKL-40 AS A MARKER FOR DEGRADATION OF MAMMALIAN CONNECTIVE TISSUE MATRICES

and which is found in

(a) \_\_\_\_\_ U.S. patent application executed on \_\_\_\_\_, entitled as above and listing the above named persons as inventors

(b) XXX U.S. patent application serial no. 08/581,527, filed on January 9, 1996

(c) \_\_\_\_\_ U.S. Patent No.: \_\_\_\_\_, issued \_\_\_\_\_

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or in any continuation, division, continuation-in-part, extension or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

10 day of April, 1996

Paul A. Price  
Paul A. Price

12 day of April, 1996

Julia S. Johansen  
Julia S. Johansen